

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**EDWARD G. BLANKSTEIN, M.D.**

Holder of License No. 10529  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-06-0755A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Edward G. Blankstein, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1        11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter") and 32-1451.

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6  
7        Edward G. Blankstein MD DATED: 12/20/07  
8 EDWARD G. BLANKSTEIN, M.D.

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 10529 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0755A after receiving notification  
7 from the Tempe Police Department that Respondent improperly and inappropriately  
8 dispensed controlled substances.

9 4. During an investigational interview on October 4, 2006, Respondent stated  
10 that he dispensed Valium and Xanax to patients from his office. Respondent admitted  
11 dispensing controlled substances in an envelope, in violation of statutes and rules  
12 requiring a physician to dispense controlled substances and prescription-only drugs in pre-  
13 packaged containers with instruction labels and safety caps.

14 5. Additionally, Respondent admitted that he did not maintain a dispensing  
15 log/inventory sheet for the controlled substances he dispensed to a patient; however, he  
16 kept a list of the prescribed medications in the patient's medical record. This is in violation  
17 of the statutes and rules requiring a physician to maintain an on-going dispensing log for  
18 all controlled substances dispensed by the physician. Respondent stated he maintained  
19 purchase invoices for controlled substances for approximately one year and not the  
20 required three years from the date of purchase. Respondent admitted that if the patient  
21 chose to have him dispense the medication, he requested the patient return the  
22 prescription slip and then destroyed it, in violation of statutes and rules requiring a  
23 physician to countersign the prescription slip and file it separately from the patient medical  
24 record.  
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6. A physician is required to maintain adequate legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did not maintain a dispensing log and inventory sheet.

## CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) (“[f]ailing or refusing to maintain adequate records on a patient.”) and A.R.S. § 32-1401 (27)(kk) (“[f]ailing to dispense drugs and devices in compliance with article 6 of this chapter.”).

## ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to properly dispense medications and for failure to maintain adequate records.

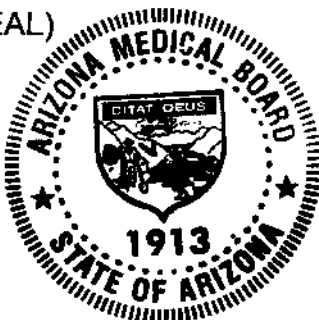
2. Respondent shall immediately surrender his dispensing certificate.

3. This Order is the final disposition of case number MD-06-0755A.

DATED AND EFFECTIVE this 7<sup>TH</sup> day of FEB., 2008.

ARIZONA MEDICAL BOARD

(SEAL)



By

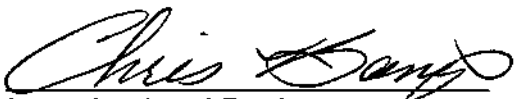
Lisa S. Wynn  
Executive Director

1 ORIGINAL of the foregoing filed  
2 this 7<sup>th</sup> day of February, 2008 with:

3 Arizona Medical Board  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed  
7 this 7<sup>th</sup> day of February, 2008 to:

8 Edward G. Blankstein, M.D.  
9 Address of Record

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11 Investigational Review  
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